

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Trevor Reid, et al.,

Plaintiffs,

v.

United States Department of Interior, et al.,

Defendants.

No. CV-22-00068-PHX-SMB

**ORDER**

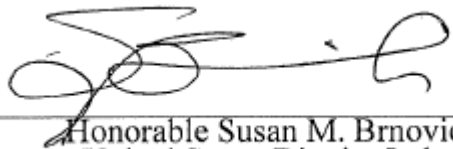
The Court having reviewed Substituted Defendant United States of America's Motion to Consolidate and Extend the Responsive Pleading Deadline (First Request to Extend) (Doc. 17), Plaintiffs have responded (Doc. 18) and the United States of America replied (Doc. 20) and all pleadings have been considered. Additionally, Plaintiffs have filed an Application for Clerk's Entry of Default as to U.S. Department of the Interior and National Park Service (Doc. 22). Plaintiffs responded to the Motion to Consolidate indicating that they had no objection to the motion, but they ignored the request to extend. The Government points out that the individual defendants have not been served and Plaintiff's agree. Plaintiffs however believe that they can avoid the service requirements by dismissing claims against the individual defendants in their individual capacity but keep claims against them in their official capacity. They are incorrect. If Plaintiffs anticipate proceeding with Bivens claims against the officers acting in their official capacity, they must still serve the individual officers pursuant to Federal Rule of Civil Procedure 4. Therefore,

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2       **IT IS ORDERED** extending the time to effectuate service on the individual  
3 defendants to **August 5, 2022**;

4       **IT IS FURTHER ORDERED** granting the United States' motion (Doc. 17) and  
5 extending the deadline to file an Answer to **September 30, 2022**;

6       **IT IS FURTHER ORDERED** denying Plaintiff's Application for Default (Doc.  
7 22) as premature.

8       Dated this 8th day of July, 2022.

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13       Honorable Susan M. Brnovich  
14       United States District Judge  
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